

**EASTERN DISTRICT OF TEXAS**



CIVIL ACTION NO. 1:12-CV-294

DONALD R. KELLY, *et al.*,

Defendants.

After careful consideration, the court concludes plaintiff's objections are without merit and should be overruled. As set forth in the report, defendant Dennis has answered plaintiff's complaint, and proper service has not been obtained against the remaining defendants. Thus, default judgment is not proper in this case.

**O R D E R**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is

**ORDERED** that plaintiff's motion for default judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 11th day of March, 2014.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE